

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**Case No. 12-40043-02-RDR**

JOSE LUIS OSORIEO-TORRES,

Defendant.

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**O R D E R**

This matter is presently before the court upon defendant's motion to continue the hearing on pretrial motions scheduled for July 31, 2012. The defendant seeks a continuance because his counsel will be out of state at the time of the scheduled hearing. The defendant notes that his co-defendant joins in the request. The defendant further notes that the government has no objection to this motion.

For the reason stated, this motion shall be granted. The hearing on pretrial motions shall be continued to August 13, 2012 at 10:30 a.m. The court finds that the period of delay resulting from the additional time granted shall be excludable time as provided in 18 U.S.C. § 3161(h)(7) because the ends of justice served by the granting of this motion outweigh the best interest of the public and the defendant in a speedy trial.

**IT IS THEREFORE ORDERED** that defendant's motion to continue the pretrial hearing (Doc. # 46) be hereby granted. The hearing on

pretrial motions shall be continued to August 13, 2012 at 10:30 a.m. The period of delay resulting from this extension shall be excludable under 18 U.S.C. § 3161(h)(7).

**IT IS SO ORDERED.**

Dated this 31<sup>st</sup> day of July, 2012 at Topeka, Kansas.

s/Richard D. Rogers  
United States District Judge